

106TH CONGRESS  
1ST SESSION

# H. R. 3048

To amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 1999

Mr. McCOLLUM introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Presidential Threat  
5       Protection Act of 1999”.

1 **SEC. 2. REVISION OF SECTION 879 OF TITLE 18, UNITED**  
2 **STATES CODE.**

3 (a) IN GENERAL.—Section 879 of title 18, United  
4 States Code, is amended—

5 (1) by striking “or” at the end of subsection  
6 (a)(2);

7 (2) in subsection (a)(3)—

8 (A) by striking “the spouse” and inserting  
9 “a member of the immediate family”; and

10 (B) by inserting “or” after the semicolon  
11 at the end;

12 (3) by inserting after subsection (a)(3) the fol-  
13 lowing:

14 “(4) a person protected by the Secret Service  
15 under section 3056(a)(6);”;

16 (4) in subsection (a)—

17 (A) by striking “who is protected by the  
18 Secret Service as provided by law,”; and

19 (B) by striking “three years” and inserting  
20 “5 years”; and

21 (5) in subsection (b)(1)(B)—

22 (A) by inserting “and (a)(3)” after “sub-  
23 section (a)(2)”;

24 (B) by striking “or Vice President-elect”  
25 and inserting “Vice President-elect, or major

1 candidate for the office of President or Vice  
2 President”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) HEADING.—The heading for section 879 of  
5 title 18, United States Code, is amended by striking  
6 “protected by the Secret Service”.

7 (2) TABLE OF SECTIONS.—The item relating to  
8 section 879 in the table of sections at the beginning  
9 of chapter 41 of title 18, United States Code, is  
10 amended by striking “protected by the Secret Serv-  
11 ice”.

12 **SEC. 3. CLARIFICATION OF SECRET SERVICE AUTHORITY**  
13 **FOR SECURITY OPERATIONS AT EVENTS AND**  
14 **GATHERINGS OF NATIONAL SIGNIFICANCE.**

15 Section 3056 of title 18, United States Code, is  
16 amended by adding at the end the following:

17 “(e) At the direction of the President, the United  
18 States Secret Service is authorized to participate, under  
19 the direction of the Secretary of the Treasury, in the plan-  
20 ning, coordination, and implementation of security oper-  
21 ations at events or gatherings of national significance, as  
22 determined by the President.”.

23 **SEC. 4. NATIONAL THREAT ASSESSMENT CENTER.**

24 (a) ESTABLISHMENT.—The United States Secret  
25 Service (hereinafter in this section referred to as the

1 “Service”), at the direction of the Secretary of the Treas-  
2 ury, may establish the National Threat Assessment Center  
3 (hereinafter in this section referred to as the “Center”)  
4 as a unit within the Service.

5 (b) FUNCTIONS.—The Service may provide the fol-  
6 lowing to Federal, State, and local law enforcement agen-  
7 cies through the Center:

8 (1) Training in the area of threat assessment.

9 (2) Consultation on complex threat assessment  
10 cases or plans.

11 (3) Research on threat assessment and the pre-  
12 vention of targeted violence.

13 (4) Facilitation of information sharing among  
14 all such agencies with protective or public safety re-  
15 sponsibilities.

16 (5) Programs to promote the standardization of  
17 Federal, State, and local threat assessments and in-  
18 vestigations involving threats.

19 (6) Any other activities the Secretary deter-  
20 mines are necessary to implement a comprehensive  
21 threat assessment capability.

22 (c) REPORT.—Not later than one year after the date  
23 of the enactment of this Act, the Service shall submit a  
24 report to the committees on the judiciary of the Senate

1 and the House of Representatives detailing the manner  
2 in which the Center will operate.

3 **SEC. 5. ADMINISTRATIVE SUBPOENAS WITH REGARD TO**  
4 **PROTECTIVE INTELLIGENCE FUNCTIONS OF**  
5 **THE SECRET SERVICE.**

6 (a) IN GENERAL.—Section 3486(a) of title 18,  
7 United States Code, is amended—

8 (1) so that paragraph (1) reads as follows:

9 “(1)(A) In any investigation of—

10 “(i) a Federal health care offense or a Federal  
11 offense involving the sexual exploitation or abuse of  
12 children, the Attorney General; or

13 “(ii) an offense under section 871 or 879, or a  
14 threat against a person protected by the United  
15 States Secret Service under section 3056(a)(5), the  
16 Secretary of the Treasury;

17 may issue in writing and cause to be served a subpoena  
18 requiring the production and testimony described in sub-  
19 paragraph (B).

20 “(B) A subpoena issued under subparagraph  
21 (A) may require—

22 “(i) the production of any records or other  
23 things relevant to the investigation; and

1           “(ii) testimony by the custodian of the  
2           things required to be produced concerning the  
3           production and authenticity of those things.

4           “(C) As used in this paragraph, the term ‘Fed-  
5           eral offense involving the sexual exploitation or  
6           abuse of children’ means an offense under section  
7           1201, 2241(c), 2242, 2243, 2251, 2251A, 2252,  
8           2252A, 2260, 2421, 2422, or 2423, in which the vic-  
9           tim is an individual who has not attained the age of  
10          18 years.”;

11          (2) in paragraph (3)—

12           (A) by inserting “relating to a Federal health  
13           care offense” after “production of records”; and

14           (B) by adding at the end the following: “The  
15           production of things in any other case may be re-  
16           quired from any place within the United States or  
17           subject to the laws or jurisdiction of the United  
18           States.”; and

19          (3) by adding at the end the following:

20          “(5) At any time before the return date specified in  
21          the summons, the person or entity summoned may, in the  
22          United States district court for the district in which that  
23          person or entity does business or resides, petition for an  
24          order modifying or setting aside the summons, or a prohi-

1 bition of disclosure ordered by a court under paragraph  
2 (6).

3 “(6)(A) A United State district court for the district  
4 in which the summons is or will be served, upon applica-  
5 tion of the United States, may issue an ex parte order  
6 that no person or entity disclose to any other person or  
7 entity (other than to an attorney for the purposes of an  
8 application modifying or setting aside the order) the exist-  
9 ence of such summons for a period of 90 days.

10 “(B) Such order may be issued on a showing that  
11 the things being sought may be relevant to the investiga-  
12 tion and there is reason to believe that such disclosure  
13 may result in—

14 “(i) endangerment to the life or physical safety  
15 of any person;

16 “(ii) flight from prosecution;

17 “(iii) destruction of or tampering with evidence;

18 “(iv) intimidation of potential witnesses; or

19 “(v) defeating any remedy or penalty provided  
20 for the violation of the laws of the United States.

21 “(C) An order under this paragraph may be renewed  
22 for additional 90-day periods upon a showing that the cir-  
23 cumstances described in subparagraph (B) continue to  
24 exist.

1 “(D) Whoever knowingly violates an order under this  
2 paragraph shall be fined under this title or imprisoned not  
3 more than 5 years, or both.

4 “(7) A summons issued under this section shall not  
5 require the production of anything that would be protected  
6 from production under the standards applicable to a sub-  
7 poena duces tecum issued by a court of the United States.

8 “(8) If no case or proceeding arises from the produc-  
9 tion of records or other things pursuant to this section  
10 within a reasonable time after those records or things are  
11 produced, the agency to which those records or things  
12 were delivered shall, upon written demand made by the  
13 person producing those records or things, return them to  
14 that person, except where the production required was  
15 only of copies rather than originals.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) SECTION HEADING.—The heading for sec-  
18 tion 3486 of title 18, United States Code, is amend-  
19 ed by striking:

20 **“in Federal health care investigations”.**

21 (2) TABLE OF SECTIONS.—The item relating to  
22 section 3486 in the table of sections at the beginning  
23 of chapter 223 of title 18, United States Code, is  
24 amended by striking:

“in Federal health care investigations”.



1           (3) CONFORMING REPEAL.—Section 3486A,  
2           and the item relating to that section in the table of  
3           sections at the beginning of chapter 223, of title 18,  
4           United States Code, are repealed.

5 **SEC. 6. FORFEITURE OF COMPUTERS AND OTHER DEVICES**  
6                           **USED FOR COUNTERFEITING.**

7           Section 492 of title 18, United States Code, is  
8 amended—

9           (1) by striking the third and fourth undesig-  
10          nated paragraphs;

11          (2) by designating the remaining paragraphs as  
12          subsections (a) and (b);

13          (3) by adding the following new subsections:

14          “(c) All seizures and civil forfeitures pursuant to sub-  
15          section (a) shall be governed by the procedures set forth  
16          in chapter 46 of this title pertaining to civil forfeitures,  
17          including section 981(d) which incorporates the customs  
18          laws (19 U.S.C. 1602 et seq.). The Attorney General shall  
19          have sole responsibility for disposing of petitions for remis-  
20          sion or mitigation with respect to property involved in a  
21          judicial forfeiture proceeding.

22          “(d) A court in sentencing a person for a violation  
23          of this chapter or of sections 331–333, 335, 336, 642, or  
24          1720 of this title, shall order the person to forfeit the  
25          property described in subsection (a). The forfeiture of

1 property under this subsection, including any seizure and  
2 disposition of the property, and any related judicial or ad-  
3 ministrative proceeding, shall be governed by the provi-  
4 sions of section 413 (other than subsection (d) of that sec-  
5 tion) of the Comprehensive Drug Abuse Prevention and  
6 Control Act of 1970 (21 U.S.C. 853).”; and

7 (4) in subsection (b), as so designated by this  
8 section, by striking “fined not more than \$100” and  
9 inserting “fined under this title”.

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